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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES EDWARD LEPP
and
DANIEL BARNES,

Defendants.

No. CR 04-0317 MHP

MOTION AND
STIPULATION AND
PROPOSED ORDER SETTING
MOTIONS AND TRIAL DATES

1. The parties stipulated and agreed at the April 16, 2007, status hearing that it the following motion schedules and jury trial date be set: Jury trial on September 11, 2007; Any motion attacking the indictment or raising jurisdictional issues are to be filed by the defendants by April 30, the government will reply by May 14, any reply will be filed by May 21, and the Court will hold a non-evidentiary hearing on May 30, 2007 at 9:30 a.m.; any motions to suppress evidence or motions seeking severance shall be filed by June 4, the government will reply by June 11, no replies, and evidentiary hearing on June 20, 2007 at 2:30 p.m.. The Court so found. The parties further stipulated and agreed that the ends of justice are served by the Court granting the above schedule so that continuity of all counsel can be maintained, and all counsel can further

MOTION

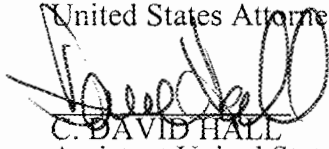
1 prepare motions and arguments. Additionally, there are motions currently pending in this case
2 that have not been resolved because new counsel has been appointed for Mr. Lepp who has had
3 to spend large amounts of time reviewing the large amounts of discovery and reviewing the
4 previous litigation history of the case. All parties ask that the Court find that this interest of
5 justice outweighs the interest of the public and the defendants in a speedy trial, in accordance
6 with Title 18, Sections 3161(h)(1)(F) and (8)(A), and B(iv),.

7 2. Accordingly, the United States and the defendant asked the Court to order that the
8 time from April 16, 2007 to the jury trial date of September 11, 2007 be excluded under the
9 Speedy Trial Act.

10
11 DATED: April 16, 2007.

12 Respectfully submitted,

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14 KEVIN V. RYAN
15 United States Attorney

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17 C. DAVID HALL
18 Assistant United States Attorney
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES OF AMERICA,

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CHARLES EDWARD LEPP
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~~(PROPOSED)~~ ORDER

GOOD CAUSE APPEARING, the Court finds that:

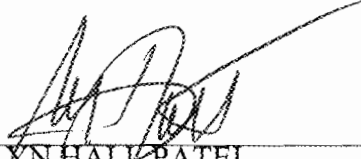
1. The ends of justice are served by the granting of the suggested motions and trial dates to September 12, 2007. The Court finds that such schedule is necessary so that the parties so that continuity of counsel is maintained, and counsel can prepare. This outweighs the interest of the public and the defendants in a speedy trial, in accordance with 18 U.S.C. §3161(h)(8)(A), (B)(iv). There are motions currently pending in this case that have not been resolved because new counsel has been appointed for Mr. Lepp who has had to spend large amounts of time reviewing the large amounts of discovery and reviewing the previous litigation history of the case. Title 18, Sections 3161(h)(1)(F).

[PROPOSED] ORDER

1 2. The Court therefore finds the period from April 16, 2007 to September 12, 2007, is
2 excluded from speedy trial calculations within the meaning of 18, U.S.C., Section 3161(h)(8),
3 subsections (A) and (B)(iv).

4
5 SO ORDERED.

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7 DATED: 4/17, 2007

8 
9 MARILYN HALL PATEL
United States District Court Judge